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**MENTAL HEALTH TESTIFIERS FACE
'HIRED GUN' AND 'WHORE' SLURS IN COURT**

DAYTON, Ohio — When a psychiatrist or psychologist takes the stand to testify about the mental state of a defendant, judges and lawyers are susceptible to the same stereotypical view that enlivens many a cop show — that experts tailor their testimony to please the one who pays their consulting fees.

There's a perception in the legal community that many mental health professionals can be amoral and easily bought, says a psychiatrist who has studied the evidence.

Douglas Mossman will present "'Hired Guns' and 'Whores': A Computer Case Law Survey" on Wednesday, May 19, at the national meeting of the American Psychiatric Association in Washington, D.C. He will present a summary of his research in a poster presentation from noon to 2 p.m. in Hall D on the lower level of the Washington Convention Center, where he will be available to discuss his findings with colleagues and visitors.

In his research, Mossman, an adjunct faculty member at the University of Dayton law school where he teaches classes on law and the mentally disabled, found 45 of 567 federal and state appellate-level cases from 1978 to 1998 that referred to psychiatrists and psychologists as "whores," "prostitutes" or "hired guns." "Hired gun" was the most common at 78 percent while "whore" or "prostitute" were used in the remaining 22 percent of the written opinions containing these three unflattering characterizations.

As cited in his research, previous studies have found experts are predominantly honest. "Contrary to common accusations, most mental health clinicians who testify in criminal cases do not consistently serve as either defense or prosecution experts," he said. Previous research

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also shows judges and attorneys, away from the heat of a trial, generally give high ratings to mental health professionals and respect what they say in court, he said.

“Certainly that’s how we think about ourselves,” he said.

Mossman, who is also a professor and director of forensic psychiatry at Wright State University near Dayton, said courts consistently disapprove of derogatory remarks but do not see such comments as a basis for overturning decisions unless they are “outrageous and repeated.”

Prosecutors were the worst offenders, with judges’ written reports coming in second, he found. “Courts were disapproving of prosecutors’ remarks and clearly so, but the courts themselves were the second most frequent sources of the remarks,” Mossman said. “It seems the judges don’t want prosecutors to say these things to jurors, even though judges often believe they’re true.”

Mossman, who has testified as an expert witness about 50 times during his 14-year career as a psychiatrist, said his current results reinforce a 1996 study he conducted with a colleague that surveyed attitudes toward expert mental health witnesses. “Attorneys said they retained expert witnesses for their knowledge of the subject area while judges believed they were hired to get favorable testimony,” he said of the previous study.

He said he was prompted to do the research by the “less-than-laudatory reputation forensic psychiatry has as portrayed in the media” as well as his personal experience. “When I testified in some of the more-high-profile cases, I was very aware of the smirks and eyebrow raising of television reporters who reported on the cases,” he said.

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For media interviews or more information, contact **Douglas Mossman** at (937) 258-6214. From May 15 to 20, Mossman can be reached at the Hotel Washington at (202) 638-5900. For a copy of the paper, contact Pam Huber at (937) 229-3241 or via e-mail at huber@udayton.edu.